

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. KAMLA YOCUM,  Plaintiff  v.  1. MICHAEL SWINDLE and 2. BUSTER AUTO TRANSPORT, LLC,  Defendants.	Case No:  ATTORNEY LIEN CLAIMED
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**COMPLAINT**

COMES NOW the Plaintiff, Kamla Yocum, by and through her attorneys of record, Caleb M. Salmon and Ashley H. Leavitt of the law firm of SALMON LAW FIRM, PLLC, upon information and belief, and for its causes of action and claims for relief against Michael Swindle and Buster Auto Transport LLC, alleges and states as follows:

1. That a motor vehicle collision occurred on or about June 26, 2019, on Interstate 44 in Tulsa County, State of Oklahoma;
2. That Plaintiff Kamla Yocum was, at all times relevant, a resident of Tulsa County, State of Oklahoma;
3. Upon information and belief, Defendant Michael Swindle was, at all times relevant, a resident of Grayson County, State of Texas;
4. Defendant Buster Auto Transport LLC is a Texas corporation licensed to do business in the State of Oklahoma;
5. Venue is proper for the reason that the acts complained of herein occurred in Tulsa County, State of Oklahoma, in this District.

6. That pursuant to 28 U.S.C. §1332, this Court has diversity jurisdiction over the claims asserted herein.

#### **FACTS AND CAUSE OF ACTION**

7. On or about June 26, 2019, on Eastbound Interstate 44 in Tulsa County, Oklahoma, near the 41<sup>st</sup> Street Exit, Defendant Michael Swindle, while in the course and scope of his employment with Defendant Buster Auto Transport, LLC, drove his F-350 truck and trailer into the rear-end of Plaintiff Kamla Yocum's Hyundai Sonata.
8. Defendant Buster Auto Transport, LLC is liable for any damages caused by their employee, Defendant Michael Swindle, while he was acting within the course and scope of his employment under the doctrine of *respondeat superior*.
9. Defendant Michael Swindle was negligent as follows:
  - i. Michael Swindle maintained his vehicle in a careless and wanton manner;
  - ii. Michael Swindle failed to maintain a proper look out and struck Plaintiff's vehicle;
  - iii. Michael Swindle violated various safety statutes and ordinances;
  - iv. Michael Swindle failed to maintain his vehicle in a safe and operable manner;
  - v. Michael Swindle was driving too fast for conditions;
  - vi. Defendant was otherwise negligent as will be set forth after discovery is completed;
10. As a result of the foregoing negligence, Plaintiff Kamla Yocum suffered personal injuries and property damage, described herein, including but not limited to:
  - i. Past medical expenses;
  - ii. Future medical expenses;
  - iii. Past physical pain;
  - iv. Future physical pain;
  - v. Past lost wages;

- vi. Future lost earnings;
- vii. Permanent injuries;
- viii. Property damage.

11. That as a result of the foregoing negligence Plaintiff Kamla Yocum seeks damages due in the amount in excess of the diversity jurisdiction requirements for federal court.

12. Defendants Michael Swindle and Buster Auto Transport LLC are 100% liable for the subject collision.

13. Plaintiff Kamla Yocum is 0% liable for the subject collision.

**WHEREFORE**, Plaintiff prays judgment against Defendants, for the damages set forth above in an amount in excess of the diversity jurisdiction requirements, attorney fees, costs, interest, treble damages, punitive damages and such other and further relief as the Court deems just and equitable.

Respectfully submitted,

s/Caleb M. Salmon

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